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09/813,926	03/20/2001	Robert Douglas Werner	P2660-730	1841

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
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EXAMINER	
STRANGE, AARON N	

ART UNIT	PAPER NUMBER
2448	

NOTIFICATION DATE	DELIVERY MODE
06/24/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No.	Applicant(s)	
	09/813,926	WERNER ET AL.	
	Examiner	Art Unit	
	AARON STRANGE	2448	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,13-44,46-78,80-112 and 114-140* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,13-44,46-78,80-112 and 114-140* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/7/09 have been fully considered but they are not persuasive.

2. With regard to claim 1, and Applicant's assertion that Katinsky fails to disclose "that the size of the display window is determined by information provided in the header of the video file" but is instead "determined by a default setting associated with the display window" (Remarks 34), the Examiner respectfully disagrees. Katinsky clearly states "the image display window 80 will resize to the default size *of the particular media object*" (emphasis added) (col. 6, ll. 48-50). Therefore, it is clear that the "default size" is not associated with the display window, but is instead associated with a particular media object. As discussed in the Office action 0f 1/7/2009, it is known in the art to specify a display size in the header of a video file, and Katinsky's disclosure of sizing the window based on the default size of the object would have at least suggested to one of ordinary skill in the art that the window size would have been derived from information in the header of the video file.

Thompson discloses that it is desirable to open certain videos, such as advertisements, as full screen (¶25) and Katinsky teaches opening a video file at a "default size of the particular media object" (col. 6, ll. 45-60). Taken together, these teachings would have suggested to one of ordinary skill in the art that it would have been advantageous to set the "default size" for certain media objects to full screen, and

to indicate the setting for "the particular media" object through a flag contained in the file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-7, 9-11, 13-34, 36-40, 42-44, 46-67, 69-70, 72-74, 76-78, 80-101, 103, 104, 106-108, 110-112, 114-135 and 137-140 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Applicant's amendments to independent claims 1, 35, 68, 71, 102 and 105 have left numerous limitations in various dependent claims lacking antecedent basis. It appears that Applicant may have intended for many of the dependent claims to depend from newly added claims 137-140, but only claims 8, 41, 75 and 109 have been amended to reflect such a change.

Applicant should review each of the remaining dependent claims to ensure that the dependency is correct and that all claim terms have proper antecedent basis. The following is an incomplete listing of several exemplary claims which have claim terms lacing antecedent basis:

a. Claim 9: "said inserting" in lines 1-2.

b. Claim 13: “said displaying” in lines 1-2.

c. Claim 14: “said displaying” in lines 1-2.

d. Claim 15: "said inserting" in lines 1-2.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-6, 8-11, 13-16, 27-34; 35-39, 41-44, 49, 60-67; 68-73, 75-78, 80-83, 94-101; 102-107, 109-112, 114-117, 133-140 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant admitted prior art (AAPA), Katinsky et al. (US patent 6,452,609), Thompson et al. (US Pub no. 2002/10077900) and Portuesi et al. (US 5,774,666).

8. In considering independent claims 1, 68, & 102, AAPA provides a method comprising:

displaying in a user interface at said user computer a web page containing at least one link to an electronic video file, selecting said link to request said video file [see Applicant specification page 1];

downloading said video file to said user computer in response to said request, detecting by said user computer an initial receipt of said video file and opening is said user interface a window of a video player, reading said video file by said player to play said video in said window [page 2 1st paragraph].

The AAPA does not automatically open the video player in a full screen mode in response to determining a display mode of the video file.

Katinsky discloses determining a display mode of a video file and opening the video in a size specified by in the video file (see col.6 lines 45-60). Hence, providing a mode flag in the header of the video file to specify the default viewing size would have been obvious to one of ordinary skill in the art because it would have permitted the video author to specify the preferred default size of the video.

In similar art of streaming video, Thompson teaches at initial receipt of the video file, automatically opening in said user interface a window of a video player in full screen mode [fig. 4, step26, [0025]]. Thompson discloses that it is advantageous to display video in full screen mode because it captures the user attention and decreases the chances of the user interrupting the video playback ([0025], [0026]).

Hence, one of ordinary skill in the art would have been motivated to specify a default size for videos as full-screen and to launch a video player in full screen mode because it would have provided larger display area and captured full attention of the user.

9. In considering claims 35, 36 and 136, it is rejected under similar rationale as for claim 1 above. However, Thompson does not specifically disclose the browser open the

video according to a mode flag in the header of the video file. It is known in the art to specify a display size in the header of the video file. Katinsky discloses opening in video in a size specified by in the video file (see col.6 lines 45-60). Thompson discloses that it is desirable to open advertisement video in a full-screen mode ([0025], specifically lines 13-15). Hence, providing a mode flag in the header of the video file to specify the default viewing size, including a full-screen mode, would have been obvious to one of ordinary skill in the art because it would have enabled video advertisement producers to effectively control the presentation of their ads.

10. In considering claims 137-140, and Thompson does not teach encoding the video file with a header and a plurality of tracks, inserting instructions into one of the tracks, wherein the instructions are readable by said player so that said player displays information in response to the instructions.

In similar field of invention, Portuesi teaches providing a plurality of tracks (audio track, image track, URL track)(col. 4, ll. 63-65) and inserting instructions into one of the tracks (URL track) so that the player displays information in response to the instructions (players displays URLs)(col. 5, ll. 20-36) . This would have been an advantageous addition to the system disclosed by Thompson and AAPA since it would have allowed supplemental information to be displayed during playback of a movie.

Thompson and Portuesi do not specifically disclose displaying download status information. Displaying download status while receiving a video stream is well known in the art. In similar art of providing video streaming, Katinsky discloses a video player user

interface having download status display (see fig.7 #112, #110, #114; col.6 lines 12-18: amount remains to be played, current media status, total duration, elapsed time). It would have been obvious for one of ordinary skill in the art to have instruction for display the download status of the video file because it would have enable to see the status and know his current viewing position.

11. In considering claims 2, 69, &103, the AAPA discloses:

detecting by said web server of header information for said video file and launching by said web browser said player [pages 1-2].

12. In considering claims 3, 71 & 105, Thompson does not teach detecting a mode flag and opening a window according the mode flag. These claims are rejected under the same obviousness rationale as stated for claim 35 above.

13. In considering claims 4, 37, 70, & 104, Thompson discloses:

said opening occurs absent user interaction [fig. 4, step 26, [0025]].

14. In considering claims 5, 38, 72, & 106, AAPA and Thompson teach:

sending a request from said user computer to a server at which said video file is locatable and in response to said request, downloading said video file from said server to said user computer ([Spec. pages 1-2], [Thompson [0022],[0025]).

15. In considering claims 6, 39, 73, & 107, Thompson discloses:

said reading occurs contemporaneously with said downloading [("streaming video") [0025], claim 12].

16. In considering claims 8, 41, 75 & 109, Portuesi teaches reading the instruction and displaying in the window information according to the instruction (col. 5, ll. 20-36).

17. In considering claims 9-10, 42-43, 76-77, 110-111, Portuesi teaches inserting instruction to display a URL to a select website (col. 5, ll. 20-36).

18. In considering claims 11, 44, 78, 112, Portuesi further discloses displaying an icon anchored to the URL (col. 5, ll. 26-28).

19. In considering claims 13, 46, 80, 114, Katinsky teaches displaying continuously refreshable status bar (col.6 lines 10-17, current position, time elapsed, etc.).

20. In considering claims 14, 47, 81, 115, Katinsky teaches displaying continuously refreshable hash mark (fig.7 the left portion of the progress bar 110).

21. In considering claims 15, 48, 82, 116, Portuesi teaches inserting instruction to additional video content (col. 5, ll. 20-36). It is apparent that the URLs may point to any type of content, including additional video content.

22. In considering claims 16, 49, 83, 117, Thompson discloses:

said opening includes generating in said window a viewing screen area and a border adjacent at least one edge of said viewing screen area, said video being played in said viewing screen area [fig. 4, step26, [0025] - apparent from displaying in a full-screen mode].

23. As per claims 27-29, 60-62 and 94-96, Portuesi teaches inserting instruction to additional video content (col. 5, ll. 20-36) and displaying a (hot spot) button for the additional video (col. 5, ll. 36-28).

24. As per claims 30, 63, 97, providing unique association of a button to a video file would have been obvious. One of ordinary skill in the art would have been motivate to distinguish the button so as to enable a user to visually distinguish the contents associated with the buttons.

25. As per claims 31, 64, 98, it is apparent in the system as modified that selecting the button would plays the video linked to the button.

26. As per claims 32, 65, 99, 133 it is apparent in the system as modified that the handler of the player must read the instruction from the stream and monitoring the download to provide status information to be displayed.

27. As per claims 33, 66, 100, 134, Katinsky discloses the video stream has information about the size of the video (col.6 line 50 default size of the media).

28. As per claims 34, 67, 101, 135, Portuesi teaches the instruction include download management of the video file (activation of an embedded URL stops download and retrieves supplemental content)(col. 5, ll. 20-36).

29. Claims 7, 40, 74 & 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA, Thompson, Portuesi and Katinsky as applied to claims 1, 35, 68 and 102 above, and further in view of Abato et al. (US 6,513,069).

30. In considering claims 7, 40, 74, & 108, while Thompson discloses downloading a video file to a user computer, Thompson does not explicitly disclose compressing and decompressing the video file. Nonetheless, in analogous art, Abato discloses downloading a video to a user computer (col. 5, lines 41-49). Abato further discloses:

compressing said video file prior to said downloading [col. 5, lines 49-53; and

decompressing said video file contemporaneously with said reading [col. 10, lines 56-67].

Given the teachings of Abato, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system/method disclosed by Thompson where the video file would be compressed prior to downloading and

decompress contemporaneously with said reading. This would have been a desirable feature to minimize resources by utilizing a lower bandwidth to transmit the video files over the Internet.

31. Claims 17-26, 50-59, 84-93, 118-132 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA, Thompson, Portuesi and Katinsky as applied to claims 1, 35, 68 and 102 above, and further in view of Smith (US 6,448,986).

32. As per claims 17, 50, 84, 118, Portuesi teaches providing a plurality of tracks (audio track, image track, URL track)(col. 4, ll. 63-65) and inserting instructions into one of the tracks (URL track) so that the player displays information in response to the instructions (players displays URLs)(col. 5, ll. 20-36) . It is apparent that a handler at the client must read the instruction to carry out the inserted instruction. Portuesi teaches inserting instruction to additional video content (col. 5, ll. 20-36). It is apparent that the video would be play within the screen area. The Thompson, Portuesi and Katinsky do not specifically disclose displaying in a border adjacent to one edge of the screen area. It is well known in the art to display information or controls at an edge of the screen area so as to minimize occupation of the display area. In analogous art of user interface, Smith teaches providing GUI controls at an edge of the display area (see fig.2, col.7 lines 5-40) so as to reduce impinging upon or masking image in the work area of the screen (col.4 lines 65-68). Hence, one of ordinary skill in the art would have been motivated to display information or

controls in a bar next to an edge of the display area because it would have reduced impinging and maximized the amount of viewable data area.

33. As per claims 18-19, 51-52, 85-86, 119-120, Portuesi teaches inserting instruction to display a URL to a select website (col. 5, ll. 20-36).

34. As per claims 20, 53, 87, 121, Portuesi further discloses displaying an icon anchored to the URL (col. 5, ll. 26-28).

35. As per claims 21-22, 54-55, 88-89, 122-123, Katinsky teaches displaying continuously refreshable status bar (col.6 lines 10-17, current position, time elapsed, etc.).

36. As per claims 23, 56, 90, 124, Katinsky teaches displaying continuously refreshable hash mark (fig.7 the left portion of the progress bar 110).

37. As per claims 24, 57, 91, 125, Portuesi teaches inserting instruction to additional video content (col. 5, ll. 20-36). It is apparent that the URLs may point to any type of content, including additional video content.

38. As per claims 25-26, 58-59, 92-93, 126-127, Portuesi further discloses displaying a content prior to playing the video (since the URL track is independent of the video track, a

URL and its associated content may be accessed before video playback occurs)(col.5, ll. 13-58).

39. As per claims 128-130, Portuesi teaches inserting instruction to additional video content (col. 5, ll. 20-36) and displaying a (hot spot) button for the additional video (col. 5, ll. 36-28).

40. As per claim 131, providing unique association of a button to a video file would have been obvious. One of ordinary skill in the art would have been motivate to distinguish the button so as to enable a user to visually distinguish the contents associated with the buttons.

41. As per claim 132, it is apparent in the system as modified that selecting the button would plays the video linked to the button.

Conclusion

42. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/
Primary Examiner, Art Unit 2448